

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

FRANCISCAN ALLIANCE, INC., et al., §
§
Plaintiffs, §
§
v. § **Civil Action No. 7:16-cv-00108-O**
§
ALEX M. AZAR II, Secretary of the §
United States Department of Health and §
Human Services; and UNITED STATES §
DEPARTMENT OF HEALTH AND §
HUMAN SERVICES, §
§
Defendants. §

FINAL JUDGMENT

The Court issued its Order granting Putative Intervenors' Motion to Intervene and partially granting Plaintiffs' Motions for Summary Judgment (ECF No. 175). It is therefore **ORDERED**, **ADJUDGED, and DECREED** that Putative Intervenors' Motion to Intervene (ECF No. 129) should be and is hereby **GRANTED**. It is **further ORDERED** that Plaintiffs' Motions for Summary Judgment (ECF Nos. 132, 135) are hereby **GRANTED in part**.

The Court **SEVERS** Plaintiffs' APA and RFRA claims from their Title VII, Spending Clause, First Amendment, Tenth Amendment, and Eleventh Amendment claims. The Court **ADOPTS** the reasoning from its December 31, 2016 Order granting Plaintiffs' request for a preliminary injunction (ECF No. 62) and now **HOLDS** that Nondiscrimination in Health Programs & Activities ("the Rule"), 81 Fed. Reg. 31376 (May 18, 2016), codified at 45 C.F.R. § 92, violates the APA and RFRA and enters this Final Judgment on those claims. Accordingly, the Court **VACATES and REMANDS** the Rule for further consideration.

SO ORDERED on this **15th day of October, 2019.**


Reed O'Connor
UNITED STATES DISTRICT JUDGE